UNITED NATIONS **A**

General Assembly

Distr.
LIMITED

A/C.6/51/L.18
25 November 1996

ORIGINAL: ENGLISH

Fifty-first session
SIXTH COMMITTEE
Agenda item 150

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Draft resolution proposed by the Chairman of the Working Group

Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

The General Assembly,

Concerned with the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution to those problems, in accordance with Article 50 of the Charter,

Recognizing the desirability of consideration of further appropriate procedures for consultations to deal in a more effective manner with the problems referred to in Article 50 of the Charter,

Recalling also:

(a) The report of the Secretary-General, entitled "An Agenda for Peace",[1] in particular paragraph 41 thereof;

[1] A/47/277-S/24111.

(b) Its resolutions 47/120 A of 18 December 1992, entitled "An Agenda for Peace: preventive diplomacy and related matters", and 47/120 B of 20 September 1993, entitled "An Agenda for Peace", in particular section IV thereof, entitled "Special economic problems arising from the implementation of preventive or enforcement measures";

(c) The position paper of the Secretary-General, entitled "Supplement to An Agenda for Peace";[2]

(d) The statement of the President of the Security Council of 22 February 1995;[3]

(e) The report of the Secretary-General prepared pursuant to the note by the President of the Security Council[4] regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter;[5]

(f) The reports of the Secretary-General on "Economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro)";[6]

(g) The 1994,[7] 1995[8] and 1996[9] reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization containing sections on the consideration by the Committee of the proposals presented on the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

(h) The report of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter,[10]

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[2] A/50/60-S/1995/1.

[3] S/PRST/1995/9.

[4] S/25036.

[5] A/48/573-S/26705.

[6] A/49/356, A/50/423 and A/51/356.

[7] Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33 (A/49/33).

[8] Ibid., Fiftieth Session, Supplement No. 33 (A/50/33).

[9] Ibid., Fifty-first Session, Supplement No. 33 (A/51/33).

[10] A/50/361.

Taking note of the report of the Secretary-General presented in accordance with General Assembly resolution 50/51 of 11 December 1995,[11]

Recalling that the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly and its subsidiary organs and the Security Council,

Recalling also the measures taken by the Security Council in accordance with the statement of the President of the Security Council of 16 December 1994[12] as part of the Council's effort to improve the flow of information and the exchange of ideas between members of the Council and other States Members of the United Nations that there should be increased recourse to open meetings, in particular at an early stage in its consideration of a subject,

Stressing that in the formulation of sanctions regimes, due account should be taken of the potential effects of sanctions on third States,

Stressing also in this context the powers of the Security Council under Chapter VII of the Charter and the Council's principal responsibility under Article 24 of the Charter for the maintenance of international peace and security in order to ensure prompt and effective action by the United Nations,

Recalling that, under Article 31 of the Charter, any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected,

Recognizing that the imposition of sanctions under Chapter VII has been causing special economic problems in third States;

Recognizing also that assistance to third States affected by the application of sanctions would further contribute to an effective and comprehensive approach by the international community to sanctions imposed by the Security Council,

Recognizing further that the international community at large and, in particular, international institutions involved in providing economic and financial assistance should continue to take into account and address in a more effective manner the special economic problems of affected third States arising from the carrying out of preventive or enforcement measures taken by the Security Council under Chapter VII of the Charter in view of their magnitude and of the adverse impact on the economy of those States,

Recalling the provisions of its resolution 50/51,

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[11] A/51/317.

[12] S/PRST/1994/81.

1. Underlines the importance of consultations under Article 50 of the Charter of the United Nations, as early as possible, with third States which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council under Chapter VII of the Charter and of early and regular assessments, as appropriate, of their impact on such States;

2. Invites the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for such consultations with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its working methods and procedures applied in the consideration of the requests by the affected countries for assistance, in the context of Article 50 of the Charter;

3. Welcomes the further measures taken by the Security Council since the adoption of General Assembly resolution 50/51 and aimed at increasing the effectiveness and transparency of the sanctions committees, and strongly recommends that the Council continue its efforts further to enhance the functioning of those committees, to streamline their working procedures and to facilitate access to them by representatives of States which find themselves confronted with special economic problems arising from the carrying out of sanctions;

4. Requests the Secretary-General to ensure that the competent units within the Secretariat that he designated to carry out the functions stipulated in paragraph 3 of General Assembly resolution 50/51 develop the capacity and modalities for providing better information and early assessments for the Security Council and its organs at their request about actual or potential effects of sanctions on third States which invoke Article 50 of the Charter. Such assessments should, as appropriate, identify specific problems and needs of those States and suggest specific ways and means for their alleviation to be included in the recommendations of the Council and appeals by the Secretary-General to the donor community for assistance to the adversely affected States;

5. Also requests the Secretary-General to continue, on the basis of the work already done, efforts with a view to developing a possible methodology for assessing the adverse consequences actually incurred by third States as a result of preventive or enforcement measures, and to utilize for this purpose all the expertise available throughout the United Nations system, including that of the international financial and trade institutions. This methodology upon appropriate approval should be made available to interested States which may wish to use it in preparing the data to annex to their applications under Article 50 as well as by the United Nations system, the international financial institutions and the donor community in considering requests for assistance;

6. Further requests the Secretary-General to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions and to initiate action in order to explore innovative and practical measures of assistance to the affected third States, inter alia, through cooperation with relevant institutions and organizations inside and outside the United Nations system;

7. Reaffirms the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts by the international community and the United Nations system to States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council, and as appropriate in identifying solutions to the special economic problems of those States;

8. Invites the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to continue to address more specifically and directly, where appropriate, special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for this purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, including through regular and frequent meetings as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of the United Nations agencies and other international organizations;

9. Requests the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session in 1997, to continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to the third States affected by the application of sanctions under Chapter VII of the Charter taking into consideration all the related reports of the Secretary-General, the proposals presented on this subject, the debate on this question which took place in the Sixth Committee at the fifty-first session of the General Assembly, and the debate in the sub-group on sanctions of the Open-ended Working Group on "An Agenda for Peace" during the fiftieth session of the General Assembly, and also the implementation of the provisions of the present resolution;

10. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-second session.